

## Article - Real Property

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§11A–113.

(a) If a conversion building is more than 5 years old, and the developer owns or controls time-shares in more than 50 percent of all units in the building, the public offering statement shall contain, in addition to other required information, a statement of the physical condition and state of repair of the major structural, mechanical, electrical, and plumbing systems of the conversion building, to the extent reasonably ascertainable, and estimated costs of repair for which a present need is disclosed in such statement. The developer is entitled to rely on the reports of architects and engineers who examine the conversion building. This requirement applies only to units in which use as a dwelling or for recreational purposes, or both, is permissible.

(b) (1) The developer of a time-share project which includes all or any part of a conversion building, and any person in the business of selling real estate for his own account who intends to offer time-share in a conversion building, shall give each of the residential tenants and any residential subtenant in possession of each proposed time-share unit notice of the conversion no later than 120 days before such developer will require the tenants and any subtenant in possession to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and be hand delivered to the unit or mailed to the tenant and subtenant at the address of the unit or any other mailing address provided by the tenant or subtenant.

(2) No tenant or subtenant may be required by the developer to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste, normal expiration of the term of the lease, or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period without the consent of the tenant or subtenant. Failure to give notice as required by this subsection is a defense to an action for possession.

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